

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Transport Department – Sri R. Nageswar Rao, Regional Transport Officer, Bheemavaram, West Godavari District – Representation for relaxation of Rule 24 (c) of the State and Subordinate Service Rules, 1962 corresponding to 16 (h) of A.P.State and Subordinate Service Rules 1996 on par with G.O.Ms.No.119 to 135, Transport, Roads & Buildings (Ser.IV) Department, Dated 07/5/2008 – Rejected – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Rt.No. 892

Dated 28/07/2009

Read the following:-

1. Representation of Sri R. Nageswara Rao, MVI, Gudiwada Dated 08/12/2006, 31/07/2007 & Dated 18/12/2008.
2. From Transport Commissioner Lr.No.13228/C3/2006, Dated 30/12/2006.
3. Objections against the request of Sri R. Nageswara Rao, MVI filed by Sri N. Sivarama Prasad, RTO, Chittoor in Representation Dated 01/10/2008 & 19/02/2009.
4. Hon'ble APAT interim orders Dated 30/12/2008 in O.A.No.10929/2008 filed by Sri R. Nageswara Rao, Regional Transport Officer, Bheemavaram, West Godavari.District.
5. Govt. Memo. No.15473/Ser.IV/2006, Dated 30/01/2009 and 26/03/2009.
6. From the Transport Commissioner Lr.No.13228/C3/2006, Dated 22/04/2009.

-000-

ORDER:-

Sri R. Nageswara Rao, Motor Vehicles Inspector in his representation 1st read above has stated that due to his ill-health as well as his father's ill-health he could not pass the departmental tests in time. Therefore, his seniority declared in the category of AMVI with effect from 26/07/1990 instead of 13/04/1988, invoking Rule 24 (c) of A.P.State & Subordinate Service Rules. As a result his very junior was promoted as Regional Transport Officer. He has stated that similar relaxation orders were issued by the Government in respect of some other employees of the department. Hence, he has requested the Government to consider his case sympathetically as was done in the case of other employees to restore commencement of probation from the date of appointment by relaxing the Rule 24 (c) of old rules corresponding to new rule 16 (h) of A.P.State and Subordinate Service Rules, 1996.

2. In the reference 3rd read above, Sri N. Sivarama Prasad, Regional Transport Officer, Chittoor filed objections.

3. In the reference 6th read above, the Transport Commissioner among other things has stated that Sri R. Nageswara Rao, Regional Transport Officer was directly recruited through Andhra Pradesh Public Service Commission as Assistant Motor Vehicle Inspector in Transport Department in Zone-II with effect from **13/04/1988**. As per Rule 9 of Special Rules for Transport Subordinate Services issued in G.O.Ms.No.130, T R&B (Transport-I) Department, Dated: 4/4/1984, Sri R.Nageswara Rao should pass the prescribed Departmental tests within the period of probation. He failed to pass the tests within the probation period. However, he **passed the last test** i.e., Transport Departmental Test Part-II on **11/6/1992**. Therefore, as per instructions of the Government, his probation was declared under Rule 24 (c) of Andhra Pradesh State and Subordinate Services Rules (old rules) with effect from 25-7-1992 and his date of commencement of probation was fixed as **26/07/1990** i.e. two years anterior from the date of passing of tests. Therefore, he was informed that his seniority in the category of AMVI will be reckoned from the date of commencement of his probation under Rule 24 (c) of Andhra Pradesh State and Subordinate Services Rules. He has further stated that Sri R. Nageswara Rao, AMVI belongs to 1988 batch. As per the ranking assigned by the APPSC Sri R.Nageswara Rao is senior than Sri V.Vasudeva Murthy and Sri G.R.Ravindra Nath in the category of AMVI. Since, his probation was declared under Rule 24 (c) of Andhra Pradesh State and Subordinate Services Rules, he lost his original seniority. He has further stated that based on the seniority assigned in the category of Assistant Motor Vehicle Inspector Sri R.Nageswara Rao was promoted as Motor Vehicle Inspector in Zone-II on 21/9/1998. The name of Sri R. Nageswara Rao was placed at SI.No.84 below Sri N.Sivarama Prasad at SI.No.83 (Zone-IV). Sri N.Sivarama Prasad

belongs to S.T.Category. Hence, he was promoted as Regional Transport Officer in Multi Zone-I against Point No.8 (S.T). Sri R.Nageswara Rao also belongs to S.T. community. Therefore, he was also promoted as Regional Transport Officer in Multi Zone-I against Point No.25 (S.T). In the Inter –se-seniority list of Regional Transport Officers, comprising Multi Zone-I and Multi Zone-II, the name of Sri N.Sivarama Prasad is at Sl.No.102.

4. He has further stated that Sri N.Sivarama Prasad, Regional Transport Officer who filed objection has stated that in Circular Memo.No.57759/Ser.A/2004-1 GA (Ser.A) Department, Dated: 20/05/2004 Government have directed that in dealing with the cases for fixing the seniority, the procedure and the rules prescribed in Andhra Pradesh State and Subordinate Services Rules or in Special Rules governing the posts shall be followed. No request for revision of seniority for a period, which is more than 3 years old, shall be considered. He has, finally requested the Government not to relax the Rule 24 (c) corresponding to Rule 16 (h) of Andhra Pradesh State and Subordinate Service Rules 1996 in favour of Sri R. Nageswara Rao, Regional Transport Officer, Bhimavaram, as it may adversely affect the seniority lists of Assistant Motor Vehicle Inspectors, Motor Vehicle Inspectors and Regional Transport Officers which were settled long back. In support, he has furnished a copy of Judgment Dated 18/12/2008 in W.P.No.22978/2008 filed by certain Assistant Executive Engineers of Irrigation & Command Area Development Department.

5. Government, after careful consideration hereby reject the request of Sri R. Nageswar Rao, Regional Transport Officer, Bheemavaram, West Godavari District for relaxation of Rule 24 (c) of the State and Subordinate Service Rules, 1962 corresponding to 16 (h) of A.P.State and Subordinate Service Rules 1996 on par with G.O.Ms.No.119 to 135, Transport, Roads & Buildings (Ser.IV) Department, Dated 07/5/2008 keeping in view the orders of Hon'ble High Court of Andhra Pradesh in W.P.No.22978 of 2008 and batch Dated 18/12/2008 and also Order Dated 08/06/2009 in W.P.No.10418 of 2009 filed by Sri N. Sivarama Prasad, Regional Transport Officer, Chittoor.

6. The Transport Commissioner shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. RATNA PRABHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Transport Commissioner, A.P., Hyderabad.

Copy to:

The individuals concerned through the Transport Commissioner, A.P, Hyderabad.

The Government Pleader for Ser.II, A.P.High Court, Hyderabad.

The Government Pleader for Transport, R&B, A.P.Administrative Tribunal, Hyderabad.

Sf/Sc.

// Forwarded :: By Order //

SECTION OFFICER